

FILED  
BILLINGS DIV.

2006 JUN 9 PM 3 46

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

PATRICK E. DUFFY, CLERK

**BILLINGS DIVISION**

BY \_\_\_\_\_  
DEPUTY CLERK

**MARCELLINO PEÑA,**

**Plaintiff,**

**VS.**

**WILLIAM SLAUGHTER, Director,  
Montana Department of Corrections;  
JAMES MacDONALD, Warden, Crossroads  
Correctional Center, Shelby, Montana,**

**Defendants.**

**CV-05-138-BLG-RFC**

## ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

On May 12, 2006, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends that Peña's Petition be denied on the merits and a certificate of appealability be denied.

Pursuant to 28 U.S.C. § 636, any objections to the Findings and Recommendations must be filed or delivered to prison authorities for mailing within twenty (20) calendar days after the entry date reflected on the Notice of Electronic Filing, or objection is waived. In this matter, Peña's counsel filed objections on June 2, 2006. Peña's objections are not well taken.

After a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Anderson are well grounded in law and fact and HEREBY ORDERS they be adopted in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Peña's Petition (*Doc. #1*) is DENIED on the merits. A certificate of appealability is also DENIED.

The Clerk of Court shall notify the parties of the making of this Order and close this case accordingly.

DATED this 9<sup>th</sup> day of June, 2006.

  
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RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE